

### REMARKS

The Examiner rejected claims 1, 2, 4-6, 8, 9, and 11-13, while objecting to claims 3, 7, 10, 14, and 15. Claims 1, 2, and 5-10 have been cancelled herein without prejudice, and new claims 16-21 have been added. Thus, claims 3, 4, and 11-21 are pending.

In addition, claims 3, 4, and 11-15 have been amended herein. Claims 3, 14, and 15 have been amended herein to be in independent form, thereby reciting the language of previously presented claim 1 without altering the scope of claims 3, 14, and 15. Claim 4 has been amended to replace the MBP abbreviation with "maltose binding protein." Claims 11-13 have been amended to depend from claim 3 as opposed to claim 1. Further, claims 16-18 and 19-21, which are similar to original claims 11-13, have been added to depend from independent claims 14 and 15, respectively. No new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 3, 4, and 11-21.

#### Withdrawn restriction

Applicants acknowledge the Examiner's withdrawal of the restriction requirement.

#### Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner suggested replacing the MBP abbreviation with the full term for MBP. Claim 4 has been amended herein as suggested.

In light of the above, Applicants respectfully request withdrawal of the rejection of claim 4 under 35 U.S.C. § 112, second paragraph.

#### Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-2 and 11-13 under 35 U.S.C. § 102(b) as allegedly being anticipated by the Staflien *et al.* reference (*J. Bacteriol.*, 182(11):3254-3258 (2000)). Claims 1 and 2 have been cancelled herein without prejudice. In addition, claims 11-13 have been amended to depend from claim 3. Thus, these rejections are moot.

The Examiner also rejected claims 1, 5, 6, 8, 9 and 11-13 under 35 U.S.C. § 102(b) as allegedly being anticipated by the Carney *et al.* reference (Protein Science, 2:1391-1399 (1993)). Claims 1, 5, 6, 8, and 9 have been cancelled herein without prejudice. In addition, claims 11-13 have been amended to depend from claim 3. Thus, these rejections are moot.

### Objections

The Examiner objected to claims 3, 7, 10, 14, and 15 as allegedly being dependent upon a rejected base claim, stating that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

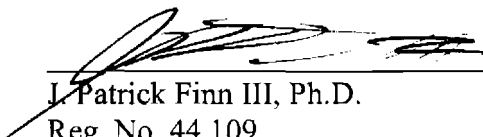
Claims 3, 14, and 15 have been re-written to recite the language of previously presented claim 1. In addition, claims 7 and 10 have been cancelled herein without prejudice. Thus, these objections are moot.

### **CONCLUSION**

Applicants submit that claims 3, 4, and 11-21 are in condition for allowance, which action is requested. The Examiner is invited to call the undersigned attorney at the telephone number below if such will advance prosecution of this application. The Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 06-1050.

Respectfully submitted,

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